

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

AT&T MOBILITY LLC,

Plaintiff,

vs.

CELLCO PARTNERSHIP d/b/a
VERIZON WIRELESS

Defendant.

Civil Action File

No. 1:09-cv-03057-TCB

**AT&T MOBILITY LLC'S
AMENDED MOTION FOR TEMPORARY RESTRAINING ORDER**

Pursuant to Federal Rule of Civil Procedure 65, AT&T Mobility LLC (“AT&T”) seeks a temporary restraining order prohibiting Cellco Partnership d/b/a Verizon Wireless (“Verizon”) from:

(1) displaying the “Bench,” “College,” “Island of Misfit Toys,” “Naughty or Nice,” and “Christmas Blues” television advertisements or otherwise claiming that AT&T customers cannot communicate or use their wireless devices when they are outside of a “3G” coverage area; and

(2) displaying in any advertisement, a map of AT&T's “3G” coverage in which AT&T's non-”3G” coverage areas are depicted by “white” or “blank” space.

In support of this motion, AT&T relies upon the following documents: (1) First Amended Complaint; (2) Supplemental Memorandum of Law in Support; (3) Supplemental Declaration of Andy Wilson; and (3) a Proposed Order. AT&T also relies upon its original Memorandum of Law in Support of a Motion for Temporary Restraining Order and all supporting papers.

WHEREFORE, AT&T respectfully moves the Court to issue a temporary restraining order that:

(1) prevents Verizon, and its officers, agents, servants, employees, attorneys, successors and assigns, and all others in active concert or participation, from displaying the: “Bench,” “College,” “Island of Misfit Toys,” “Naughty or Nice,” and “Christmas Blues” television advertisements or otherwise claiming that AT&T customers cannot communicate or use their wireless devices when they are outside of a “3G” coverage area.

(2) prevents Verizon, and its officers, agents, servants, employees, attorneys, successors and assigns, and all others in active concert or participation, from displaying a map of AT&T’s coverage in which AT&T’s non-“3G” coverage areas are depicted by “white” or “blank” space.

This 12th day of November, 2009.

/s/ David L. Balser

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CERTIFICATE OF SERVICE

This is to certify that on November 12, 2009 I electronically filed the foregoing **AMENDED MOTION FOR TEMPORARY RESTRAINING ORDER** with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

David L. Balser
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Tracy Klingler
Harriet Jill Wasserman
L. Joseph Loveland, Jr.

I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-CM/ECF participants:

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